

Court of Appeals, State of Michigan

ORDER

Vittorio Gino Abbruzzino v Dept of Labor & Economic Growth

Docket No. 284103

LC No. 05-509243-CZ

Helene N. White
Presiding Judge

Michael J. Talbot

Karen M. Fort Hood
Judges

In lieu of granting leave, pursuant to MCR 7.205(D)(2), the Court orders that the February 20, 2008, order of the Wayne County Circuit Court is REVERSED. The circuit court erred in summarily ruling that the decision by the Board of Residential Builders and Maintenance and Alteration Contractors, which upheld the denial of petitioner's request for a builder's license of the Department of Labor and Economic Growth, was arbitrary. "Decisions of an administrative agency or officer, in cases in which no hearing is required, are reviewed to determine whether the decisions are unauthorized by law." Const 1963, § 28; *Ross v Blue Care Network*, 480 Mich 153; 747 NW2d 828 (2008). An agency's decision that is "arbitrary and capricious" is a decision which is not authorized by law. *Northern National Casualty Co v Comm'r of Insurance*, 231 Mich App 483, 490-491; 586 NW2d 563 (1998). In this case, the DLEG and the board could reasonably infer from petitioner's inaccurate responses on his application for renewal of his residential builder's license that he was being deceitful. The DLEG's denial of the license and the board's decision to uphold the denial were issued with adequate determining principle set forth under MCL 339.604(a) and were not arrived at through an exercise of will or by caprice. Because the decision to deny petitioner's request was authorized by law, the circuit court erred in reversing the decision.

The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 04 2008

Date

Sandra Schultz Mengel
Chief Clerk